

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRENT MELTON,

Petitioner,

v.

Civil Action Number: 11-cv-14634  
HON. MARK A. GOLDSMITH

STEVE RIVARD,

Respondent.

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**ORDER ADDRESSING PETITIONER'S  
"LETTERS" [ECF Nos. 8 & 9] and GRANTING REQUEST FOR  
AN EXTENSION OF TIME TO FILE A MOTION FOR RELIEF  
FROM JUDGMENT UNDER MCR 6.500 WITH THE STATE COURTS**

This is a habeas case filed by a state prisoner under 28 U.S.C. § 2254. On October 21, 2011, Petitioner Trent Melton filed this petition, challenging his conviction for assault with intent to rob while armed. Pet'r's Pet. for Writ of Habeas Corpus, Oct. 21, 2011, ECF No. 1. Petitioner's conviction occurred on June 10, 2008, following a bench trial in the Circuit Court in Monroe County, Michigan. He is currently serving a sentence of twelve to thirty years in prison.

When Petitioner filed his habeas petition, he also filed a motion to stay, asking the Court to stay his habeas proceedings so that he could return to the state courts to exhaust additional, unexhausted claims concerning the prosecutor's conduct, the jury panel, and his right to have his direct appeal reinstated. Pet'r's Mot. to Hold Pet. for Writ of Habeas Corpus in Abeyance, ECF No. 3. On April 30, 2012, the Court issued an opinion and order granting his motion. Op. & Order, Apr. 30, 2012, ECF No. 7. The Court stayed the petition pending Petitioner's exhaustion and required him to present his unexhausted claims to the state courts within sixty days from the date of the order and return to this Court to request that the stay be lifted within sixty days of exhausting.

Pending before the Court are Petitioner's "Letters," dated April 23, 2012 [ECF No. 8], and December 1, 2012 [ECF No. 9], in which he requests additional time to file his motion for relief from judgment with the state trial court. In his April 23, 2012 letter, he inquires as to the Court's ruling on his request to stay his case and asks for additional time in which to file his motion for relief from judgment with the state trial court. And, in his December 1, 2012 letter, he states that he filed his motion for relief from judgment with the state trial court but it was never received or filed by the state court. He submits supporting documentation, indicating that he did in fact mail his motion, on July 2, 2012, to the state court. That filing was within the time frame ordered by the Court.

Having reviewed the letters, and considering Petitioner's circumstances, the Court will grant him additional time in which to file his motion for relief from judgment.

Accordingly, IT IS ORDERED that Petitioner's request for an extension of time in which to file his motion for relief from judgment with the state trial court is granted. Petitioner may file a motion in the state court within sixty days of receipt of this Court's order. If he fails to file his motion by that date, then the Court will dismiss the present petition without prejudice. If Petitioner files such a motion, then he must notify this Court that such motion papers have been filed in the state court. The Court will then continue to hold the case in abeyance pending exhaustion. Petitioner shall move to reopen his case within sixty days after exhausting his state-court remedies.

SO ORDERED.

Dated: March 21, 2013  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 21, 2013.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager